



General Assembly

January Session, 2013

Raised Bill No. 6429

LCO No. 3261



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING OVERVOTES FOR CROSS ENDORSED
CANDIDATES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsections (a) to (c), inclusive, of section 9-242 of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2013*):

4 (a) (1) For purposes of this section, "overvote" means a vote cast by
5 an elector for (A) more persons for the same office than the elector is
6 lawfully entitled to vote for for that office, or (B) the same person more
7 than once for a single office.

8 (2) A voting tabulator approved by the Secretary of the State shall be
9 so constructed as to provide facilities for voting for the candidates of at
10 least nine different parties or organizations. It shall permit voting in
11 absolute secrecy. It shall be provided with a lock by means of which
12 any illegal movement of the voting or registering mechanism is
13 absolutely prevented. Such tabulator shall be so constructed that an
14 elector cannot vote for a candidate or on a proposition for whom or on

15 which the elector is not lawfully entitled to vote.

16 (b) [It] Such tabulator shall be so constructed as to prevent an elector
17 from [voting for more than one person for the same office, except
18 when the elector is lawfully entitled to vote for more than one person
19 for that office, and it shall afford the elector an opportunity to vote for
20 only as many persons for that office as the elector is by law entitled to
21 vote for, at the same time preventing the elector from voting for the
22 same person twice. It] overvoting and such tabulator shall afford the
23 elector an opportunity to immediately revote if such elector has
24 overvoted. Such tabulator shall be so constructed that all votes cast
25 will be registered or recorded by the tabulator. In the event that a
26 candidate is cross endorsed and an elector [casts more than one vote]
27 overvotes for such candidate, such vote shall be attributed by the head
28 moderator to the endorsing parties as provided for in this subsection.
29 The head moderator shall (1) determine the percentage of all
30 attributable votes the candidate received that are attributable to each
31 endorsing party, (2) determine the number of ballots upon which an
32 elector voted for the candidate more than once, and (3) apply the
33 percentage determined under subdivision (1) of this subsection for an
34 endorsing party to the total determined under subdivision (2) of this
35 subsection. The resulting number from the calculation under
36 subdivision (3) of this subsection shall be the number of votes the head
37 moderator attributes to the endorsing party associated with the
38 percentage used in the calculation under subdivision (3) of this
39 subsection. The head moderator shall repeat the calculation in
40 subdivision (3) of this subsection for each endorsing party. For any
41 result under subdivision (3) of this subsection that is a fractional
42 number, the head moderator shall round such result to the nearest
43 whole number, provided a half number shall be rounded to the next
44 highest whole number, and provided further that each such endorsing
45 party with a percentage greater than zero under subdivision (1) of this
46 subsection shall receive at least one such vote, with the remaining
47 parties receiving a proportional reduction in votes, if necessary. If any

48 vote remains that can not be evenly attributed to such parties, such
49 vote shall be attributed to the endorsing party with the most votes.

50 (c) Notwithstanding the provisions of subsection (b) of this section,
51 the Secretary of the State may approve a voting tabulator [which] that
52 requires the elector in the polls to place the elector's ballot into the
53 recording device and which meets the voluntary performance and test
54 standards for voting systems adopted by (1) the Federal Election
55 Commission on January 25, 1990, as amended from time to time, or (2)
56 the Election Assistance Commission pursuant to the Help America
57 Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time
58 to time, whichever standards are most current at the time of the
59 Secretary of the State's approval, and regulations which the Secretary
60 of the State may adopt in accordance with the provisions of chapter 54,
61 provided the voting tabulator shall (A) warn the elector of overvotes,
62 (B) not record overvotes, [and (C) not record more than one vote of an
63 elector for the same person for an office.] In the event that a candidate
64 is cross endorsed and an elector [casts more than one vote] overvotes
65 for such candidate, such vote shall be attributed by the head
66 moderator to the endorsing parties as provided for in this subsection.
67 The head moderator shall (i) determine the percentage of all
68 attributable votes the candidate received that are attributable to each
69 endorsing party, (ii) determine the number of ballots upon which an
70 elector voted for the candidate more than once, and (iii) apply the
71 percentage determined under subparagraph (C)(i) of this subsection
72 for an endorsing party to the total determined under subparagraph
73 (C)(ii) of this subsection. The resulting number from the calculation
74 under subparagraph (C)(iii) of this subsection shall be the number of
75 votes the head moderator attributes to the endorsing party associated
76 with the percentage used in the calculation under subparagraph
77 (C)(iii) of this subsection. The head moderator shall repeat the
78 calculation in subparagraph (C)(iii) of this subsection for each
79 endorsing party. For any result under subparagraph (C)(iii) of this
80 subsection that is a fractional number, the head moderator shall round

81 such result to the nearest whole number, provided a half number shall
82 be rounded to the next highest whole number, and provided further
83 that each such endorsing party with a percentage greater than zero
84 under subparagraph (C)(i) of this subsection shall receive at least one
85 such vote, with the remaining parties receiving a proportional
86 reduction in votes, if necessary. If any vote remains that can not be
87 evenly attributed to such parties, such vote shall be attributed to the
88 endorsing party with the most votes.

89 Sec. 2. Section 9-250 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective July 1, 2013*):

91 Ballots shall be printed in plain clear type and on material of such
92 size as will fit the tabulator, and shall be furnished by the registrar of
93 voters. The size and style of the type used to print the name of a
94 political party on a ballot shall be identical with the size and style of
95 the type used to print the names of all other political parties appearing
96 on such ballot. The name of each major party candidate for a municipal
97 office, as defined in section 9-372, except for the municipal offices of
98 state senator and state representative, shall appear on the ballot as it
99 appears on the registry list of the candidate's town of voting residence,
100 except as provided in section 9-42a. The name of each major party
101 candidate for a state or district office, as defined in section 9-372, or for
102 the municipal office of state senator or state representative shall appear
103 on the ballot as it appears on the certificate or statement of consent
104 filed under section 9-388, subsection (b) of section 9-391, or section 9-
105 400 or 9-409. The name of each minor party candidate shall appear on
106 the ballot as it appears on the registry list in accordance with the
107 provisions of section 9-452. The name of each nominating petition
108 candidate shall appear on the ballot as it is verified by the town clerk
109 on the application filed under section 9-453b. The size and style of the
110 type used to print the name of a candidate on a ballot shall be identical
111 with the size and style of the type used to print the names of all other
112 candidates appearing on such ballot. Such ballot shall contain the
113 names of the offices and the names of the candidates arranged thereon.

114 The names of the political parties and party designations shall be
 115 arranged on the ballots, either in columns or horizontal rows as set
 116 forth in section 9-249a, immediately adjacent to the column or row
 117 occupied by the candidate or candidates of such political party or
 118 organization. The ballot shall be printed in such manner as to indicate
 119 how many candidates the elector may vote for each office, provided in
 120 the case of a town adopting the provisions of section 9-204a, such
 121 ballot shall indicate the maximum number of candidates who may be
 122 elected to such office from any party. If two or more candidates are to
 123 be elected to the same office for different terms, the term for which
 124 each is nominated shall be printed on the official ballot as a part of the
 125 title of the office. If, at any election, one candidate is to be elected for a
 126 full term and another to fill a vacancy, the official ballot containing the
 127 names of the candidates in the foregoing order shall, as a part of the
 128 title of the office, designate the term [which] that such candidates are
 129 severally nominated to fill. No column, under the name of any political
 130 party or independent organization, shall be printed on any official
 131 ballot, [which] that contains more candidates for any office than the
 132 number for which an elector may vote for that office. When a
 133 candidate is cross endorsed, the ballot shall indicate the elector may
 134 vote only once for any such candidate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	9-242(a) to (c)
Sec. 2	<i>July 1, 2013</i>	9-250

Statement of Purpose:

To provide for a definition of "overvote" that includes a vote for the same person more than once for a single office, and to provide that if an elector overvotes, the tabulator will warn the elector so the elector may recast their ballot.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

